

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

CORDELLRA MCCALEY

PLAINTIFF

V.

CIVIL ACTION NO. 3:20-CV-298-DPJ-FKB

DEPUTY WARDEN JAMES  
FILLYAW, ET AL.

DEFENDANTS

ORDER

Plaintiff Cordellra McCaley filed this § 1983 suit challenging the conditions of his confinement at the Central Mississippi Correctional Facility (CMCF). On October 21, 2020, he filed a “Motion for Injunction Relief” [sic] seeking an injunction “against Defendants at Central Miss Correctional Facility.” Mot. [24] at 1. On December 29, 2020, McCaley was transferred from CMCF to the Mississippi State Penitentiary at Parchman. Notice [26]. United States Magistrate Judge F. Keith Ball then entered a Report and Recommendation [37] recommending the Court deny McCaley’s motion and noting that McCaley “cannot meet the requirement of irreparable injury because he is no longer housed at CMCF.” R&R [37] at 2; *see Women’s Medical Ctr. of Nw. Hous. v. Bell*, 248 F.3d 411, 419 n.15 (5th Cir. 2001) (listing elements required to obtain injunctive relief as including “a substantial threat that plaintiff will suffer irreparable injury”).

McCaley filed an Objection [38] to Judge Ball’s R&R, as well as two Notices [39, 40] detailing issues he says he is having at Parchman. In his Objection, he says that his experience at his “new prison will likely be similar to” that at CMCF. Obj. [38] at 1. But a prisoner’s transfer from the facility on which his lawsuit is based generally renders claims for injunctive relief against prison officials at the transferor facility moot. *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001). And McCaley never addressed Judge Ball’s conclusion that he “failed to allege

facts indicating that he can meet the[] prerequisites” for an injunction. R&R [37] at 2. Judge Ball correctly concluded McCaley has not shown entitlement to an injunction against CMCF personnel. McCaley’s Objection [38] is overruled, the Court adopts the Report and Recommendation [37] as its opinion, and McCaley’s Motion [24] is denied.<sup>1</sup>

**SO ORDERED AND ADJUDGED** this the 18th day of June, 2021.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> If McCaley wishes to challenge the conditions at his new facility, he would need to address those issues in a separate suit against the proper defendants.